

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Danyell Darskie Thomas**
Docket No. **275448**
L.C. No. **95-001459-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The application for delayed appeal is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the November 1, 1995 judgment of sentence as required by MCR 7.205(F)(3). Furthermore, MCR 7.205(F)(4) does not apply because appellate counsel was not requested within 12 months of the judgment of sentence. This is not a *Halbert situation* because defendant had an appeal of right due to the date of crime that he forfeited for failure to timely request counsel. The trial court at sentencing correctly informed defendant of his appeal of right.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 19 2007

Date

Sandra Schultz Mengel
Chief Clerk